



Sen. John M. Sullivan

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1 AMENDMENT TO SENATE BILL 633

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 633 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Police Act is amended by adding  
5 Section 7.5 as follows:

6 (20 ILCS 2610/7.5 new)

7 Sec. 7.5. Cadet classes. Beginning on July 1, 2017, the  
8 Director of State Police, in conjunction with the State Police  
9 Merit Board, shall annually appoint no less than 3 cadet  
10 classes with a minimum of 75 cadets per class. The appointments  
11 shall continue until the Department's total sworn headcount  
12 meets or exceeds 2,500 sworn State Police officers. The  
13 Director shall at all times maintain a total minimum headcount  
14 of 2,500 sworn State Police officers.

15 Section 10. The Illinois Pension Code is amended by adding

1 Sections 3-125.3, 5-168.3, 7-171.1, and 9-169.5 as follows:

2 (40 ILCS 5/3-125.3 new)

3 Sec. 3-125.3. Income from certain fees. Any fees received  
4 by the Fund under Section 20 of the Automated Traffic Control  
5 Systems in Highway Construction or Maintenance Zones Act: (i)  
6 shall not be considered payment of any employer contribution  
7 required under Section 3-125 and shall not be offset against or  
8 paid in lieu of any such required contribution; but (ii) shall  
9 be considered assets of the Fund and shall be considered in  
10 calculating the amount of future required employer  
11 contributions to the Fund.

12 (40 ILCS 5/5-168.3 new)

13 Sec. 5-168.3. Income from certain fees. Any fees received  
14 by the Fund under Section 20 of the Automated Traffic Control  
15 Systems in Highway Construction or Maintenance Zones Act: (i)  
16 shall not be considered payment of any employer contribution  
17 required under Section 5-168 and shall not be offset against or  
18 paid in lieu of any such required contribution; but (ii) shall  
19 be considered assets of the Fund and shall be considered in  
20 calculating the amount of future required employer  
21 contributions to the Fund.

22 (40 ILCS 5/7-171.1 new)

23 Sec. 7-171.1. Income from certain fees. Any fees received

1 by the Fund under Section 20 of the Automated Traffic Control  
2 Systems in Highway Construction or Maintenance Zones Act from a  
3 participating municipality: (i) shall not be considered  
4 payment of any employer contribution required of that  
5 municipality under Section 7-172 and shall not be offset  
6 against or paid in lieu of any such required contribution; but  
7 (ii) shall be considered assets of the Fund and credited to the  
8 appropriate account of the municipality, and shall be  
9 considered in calculating the amount of that municipality's  
10 future required employer contributions to the Fund.

11 (40 ILCS 5/9-169.5 new)

12 Sec. 9-169.5. Income from certain fees. Any fees received  
13 by the Fund under Section 20 of the Automated Traffic Control  
14 Systems in Highway Construction or Maintenance Zones Act: (i)  
15 shall not be considered payment of any employer contribution  
16 required under Sections 9-169 and 9-170.2, and shall not be  
17 offset against or paid in lieu of any such required  
18 contribution; but (ii) shall be considered assets of the Fund  
19 and shall be considered in calculating the amount of future  
20 required employer contributions to the Fund.

21 Section 15. The Illinois Vehicle Code is amended by  
22 changing Sections 3-704 and 11-605.1 as follows:

23 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

1           Sec. 3-704. Authority of Secretary of State to suspend or  
2           revoke a registration or certificate of title; authority to  
3           suspend or revoke the registration of a vehicle.

4           (a) The Secretary of State may suspend or revoke the  
5           registration of a vehicle or a certificate of title,  
6           registration card, registration sticker, registration plate,  
7           disability parking decal or device, or any nonresident or other  
8           permit in any of the following events:

9           1. When the Secretary of State is satisfied that such  
10           registration or that such certificate, card, plate,  
11           registration sticker or permit was fraudulently or  
12           erroneously issued;

13           2. When a registered vehicle has been dismantled or  
14           wrecked or is not properly equipped;

15           3. When the Secretary of State determines that any  
16           required fees have not been paid to the Secretary of State,  
17           to the Illinois Commerce Commission, or to the Illinois  
18           Department of Revenue under the Motor Fuel Tax Law, and the  
19           same are not paid upon reasonable notice and demand;

20           4. When a registration card, registration plate,  
21           registration sticker or permit is knowingly displayed upon  
22           a vehicle other than the one for which issued;

23           5. When the Secretary of State determines that the  
24           owner has committed any offense under this Chapter  
25           involving the registration or the certificate, card,  
26           plate, registration sticker or permit to be suspended or

1           revoked;

2           6. When the Secretary of State determines that a  
3           vehicle registered not-for-hire is used or operated  
4           for-hire unlawfully, or used or operated for purposes other  
5           than those authorized;

6           7. When the Secretary of State determines that an owner  
7           of a for-hire motor vehicle has failed to give proof of  
8           financial responsibility as required by this Act;

9           8. When the Secretary determines that the vehicle is  
10          not subject to or eligible for a registration;

11          9. When the Secretary determines that the owner of a  
12          vehicle registered under the mileage weight tax option  
13          fails to maintain the records specified by law, or fails to  
14          file the reports required by law, or that such vehicle is  
15          not equipped with an operable and operating speedometer or  
16          odometer;

17          10. When the Secretary of State is so authorized under  
18          any other provision of law;

19          11. When the Secretary of State determines that the  
20          holder of a disability parking decal or device has  
21          committed any offense under Chapter 11 of this Code  
22          involving the use of a disability parking decal or device.

23          (a-5) The Secretary of State may revoke a certificate of  
24          title and registration card and issue a corrected certificate  
25          of title and registration card, at no fee to the vehicle owner  
26          or lienholder, if there is proof that the vehicle

1 identification number is erroneously shown on the original  
2 certificate of title.

3 (b) The Secretary of State may suspend or revoke the  
4 registration of a vehicle as follows:

5 1. When the Secretary of State determines that the  
6 owner of a vehicle has not paid a civil penalty or a  
7 settlement agreement arising from the violation of rules  
8 adopted under the Illinois Motor Carrier Safety Law or the  
9 Illinois Hazardous Materials Transportation Act or that a  
10 vehicle, regardless of ownership, was the subject of  
11 violations of these rules that resulted in a civil penalty  
12 or settlement agreement which remains unpaid.

13 2. When the Secretary of State determines that a  
14 vehicle registered for a gross weight of more than 16,000  
15 pounds within an affected area is not in compliance with  
16 the provisions of Section 13-109.1 of the Illinois Vehicle  
17 Code.

18 3. When the Secretary of State is notified by the  
19 United States Department of Transportation that a vehicle  
20 is in violation of the Federal Motor Carrier Safety  
21 Regulations, as they are now or hereafter amended, and is  
22 prohibited from operating.

23 (c) The Secretary of State may suspend the registration of  
24 a vehicle when a court finds that the vehicle was used in a  
25 violation of Section 24-3A of the Criminal Code of 1961 or the  
26 Criminal Code of 2012 relating to gunrunning. A suspension of

1 registration under this subsection (c) may be for a period of  
2 up to 90 days.

3 (d) The Secretary of State shall not renew the registration  
4 of a vehicle when the Secretary finds that the registered owner  
5 of a vehicle used in violation of the Automated Traffic Control  
6 Systems in Highway Construction or Maintenance Zones Act: (1)  
7 has failed to pay any penalty due and owing as a result of 3  
8 violations under the Automated Traffic Control Systems in  
9 Highway Construction or Maintenance Zones Act; or (2) is more  
10 than 30 calendar days in default of a payment plan. The  
11 Secretary of State shall adopt rules to implement this  
12 subsection (d).

13 (Source: P.A. 97-540, eff. 1-1-12; 97-1150, eff. 1-25-13.)

14 (625 ILCS 5/11-605.1)

15 Sec. 11-605.1. Special limit while traveling through a  
16 highway construction or maintenance speed zone.

17 (a) A person may not operate a motor vehicle in a  
18 construction or maintenance speed zone at a speed in excess of  
19 the posted speed limit when workers are present.

20 (a-5) A person may not operate a motor vehicle in a  
21 construction or maintenance speed zone at a speed in excess of  
22 the posted speed limit when workers are not present.

23 (b) Nothing in this Chapter prohibits the use of electronic  
24 speed-detecting devices within 500 feet of signs within a  
25 construction or maintenance speed zone as defined by the

1 Automated Traffic Control Systems in Highway Construction or  
2 Maintenance Zones Act. A violation incurred by use of  
3 electronic speed-detecting devices shall not constitute a  
4 first or subsequent violation of this Section for purposes of  
5 fining or driver's license suspensions ~~indicating the zone, as~~  
6 ~~defined in this Section, nor shall evidence obtained by use of~~  
7 ~~those devices be inadmissible in any prosecution for speeding,~~  
8 ~~provided the use of the device shall apply only to the~~  
9 ~~enforcement of the speed limit in the construction or~~  
10 ~~maintenance speed zone.~~

11 (c) As used in this Section, a "construction or maintenance  
12 speed zone" is an area in which the Department, Toll Highway  
13 Authority, or local agency is preparing for construction or  
14 maintenance, conducting construction or maintenance, or  
15 removing construction or maintenance equipment and materials,  
16 and has posted signage advising drivers that a construction or  
17 maintenance speed zone is being approached, or in which the  
18 Department, Authority, or local agency has posted a lower speed  
19 limit with a highway construction or maintenance speed zone  
20 special speed limit sign after determining that the preexisting  
21 established speed limit through a highway construction or  
22 maintenance project is greater than is reasonable or safe with  
23 respect to the conditions expected to exist in the construction  
24 or maintenance speed zone.

25 If it is determined that the preexisting established speed  
26 limit is safe with respect to the conditions expected to exist

1 in the construction or maintenance speed zone, additional speed  
2 limit signs which conform to the requirements of this  
3 subsection (c) shall be posted.

4 Highway construction or maintenance speed zone special  
5 speed limit signs shall be of a design approved by the  
6 Department. The signs must give proper due warning that a  
7 construction or maintenance speed zone is being approached and  
8 must indicate the maximum speed limit in effect. The signs also  
9 must state the amount of the potential fines ~~minimum fine~~ for a  
10 violation or automated violation.

11 (d) Except as provided under subsection (d-5), a person who  
12 violates this Section is guilty of a petty offense. Violations  
13 of this Section are punishable with a minimum fine of \$250 for  
14 the first violation and a minimum fine of \$750 for the second  
15 or subsequent violation.

16 (d-5) A person committing a violation of this Section is  
17 guilty of aggravated special speed limit while traveling  
18 through a highway construction or maintenance speed zone when  
19 he or she drives a motor vehicle at a speed that is:

20 (1) 26 miles per hour or more but less than 35 miles  
21 per hour in excess of the applicable special speed limit  
22 established under this Section or a similar provision of a  
23 local ordinance and is guilty of a Class B misdemeanor; or

24 (2) 35 miles per hour or more in excess of the  
25 applicable special speed limit established under this  
26 Section or a similar provision of a local ordinance and is

1 guilty of a Class A misdemeanor.

2 (e) If a fine for a violation of this Section is \$250 or  
3 greater, the person who violated this Section shall be charged  
4 an additional \$125, which shall be deposited into the  
5 Transportation Safety Highway Hire-back Fund in the State  
6 treasury, unless (i) the violation occurred on a highway other  
7 than an interstate highway and (ii) a county police officer  
8 wrote the ticket for the violation, in which case the \$125  
9 shall be deposited into that county's Transportation Safety  
10 Highway Hire-back Fund. In the case of a second or subsequent  
11 violation of this Section, if the fine is \$750 or greater, the  
12 person who violated this Section shall be charged an additional  
13 \$250, which shall be deposited into the Transportation Safety  
14 Highway Hire-back Fund in the State treasury, unless (i) the  
15 violation occurred on a highway other than an interstate  
16 highway and (ii) a county police officer wrote the ticket for  
17 the violation, in which case the \$250 shall be deposited into  
18 that county's Transportation Safety Highway Hire-back Fund.

19 (e-5) The Department of State Police and the local county  
20 police department have concurrent jurisdiction over any  
21 violation of this Section that occurs on an interstate highway.

22 (f) The Transportation Safety Highway Hire-back Fund,  
23 which was created by Public Act 92-619, shall continue to be a  
24 special fund in the State treasury. Subject to appropriation by  
25 the General Assembly and approval by the Secretary, the  
26 Secretary of Transportation shall use all moneys in the

1 Transportation Safety Highway Hire-back Fund to hire off-duty  
2 Department of State Police officers to monitor construction or  
3 maintenance zones, and to provide additional policing as  
4 determined by the Director of State Police, in coordination  
5 with the Secretary of Transportation, including State Police  
6 cadet training.

7 (f-5) Each county shall create a Transportation Safety  
8 Highway Hire-back Fund. The county shall use the moneys in its  
9 Transportation Safety Highway Hire-back Fund to hire off-duty  
10 county police officers to monitor construction or maintenance  
11 zones in that county on highways other than interstate  
12 highways, and to provide additional policing as determined by  
13 the sheriff. The county, in its discretion, may also use a  
14 portion of the moneys in its Transportation Safety Highway  
15 Hire-back Fund to purchase equipment for county law enforcement  
16 and fund the production of materials to educate drivers on  
17 construction zone safe driving habits.

18 (f-10) Each local agency operating an automated control  
19 system under the Automated Traffic Control Systems in Highway  
20 Construction or Maintenance Zones Act may create a  
21 Transportation Safety Highway Hire-back Fund to hire off-duty  
22 law enforcement officers to monitor construction or  
23 maintenance zones within that agency's jurisdiction and  
24 provide additional policing within that agency's jurisdiction.

25 (g) For a second or subsequent violation of this Section  
26 within 2 years of the date of the previous violation, the

1 Secretary of State shall suspend the driver's license of the  
2 violator for a period of 90 days. This suspension shall only be  
3 imposed if the current violation of this Section and at least  
4 one prior violation of this Section occurred during a period  
5 when workers were present in the construction or maintenance  
6 zone.

7 (Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280,  
8 eff. 1-1-16; revised 10-15-15.)

9 Section 20. The Automated Traffic Control Systems in  
10 Highway Construction or Maintenance Zones Act is amended by  
11 changing Sections 10, 15, 20, 25, 30, 35, and 40 as follows:

12 (625 ILCS 7/10)

13 Sec. 10. Establishment of automated traffic control  
14 systems. The Department of State Police or local agency with  
15 jurisdiction may establish and enforce an automated traffic  
16 control system in any construction or maintenance zone  
17 established by the Department of Transportation or ~~the~~ Illinois  
18 State Toll Highway Authority. The Department of State Police  
19 may enforce an automated traffic control system in any  
20 construction or maintenance zone established by a local agency  
21 with jurisdiction. The Department of State Police shall cease  
22 automated enforcement operations if the municipal chief of  
23 police with jurisdiction makes a written request to the  
24 Department of State Police. The Department of State Police

1 shall cease automated enforcement operations in any  
2 unincorporated area of the county if the county sheriff with  
3 jurisdiction makes a written request to the Department of State  
4 Police. The Department of State Police or local agency shall  
5 operate a technically advanced system in terms of image or  
6 video recording capabilities in combination with vehicle  
7 detection sensors. No automated traffic control system shall be  
8 established or operated under this Section unless approved by  
9 the Secretary of Transportation. The Department of State Police  
10 and the Department of Transportation shall create rules for the  
11 establishment, compatibility, operation, transmission of data,  
12 and enforcement of an automated traffic control system under  
13 this Act. The Department of State Police shall review and send  
14 notice of any violation of this Act. The Department of State  
15 Police shall be responsible for entering into contracts with  
16 vendors for the establishment, maintenance, and operation of  
17 the automated traffic control system. All contracts shall be  
18 paid from the penalties collected under this Act before any  
19 other funds are distributed. A local agency with jurisdiction  
20 seeking to utilize an automated traffic control system shall  
21 enter into an intergovernmental agreement with the Department  
22 of State Police to sub-lease the equipment. The Department of  
23 State Police shall review all the evidence of potential  
24 violations, make violation determinations, and send out all  
25 notices of violations. ~~An automated traffic control system may~~  
26 ~~operate only during those periods when workers are present in~~

1 ~~the construction or maintenance zone. In any prosecution based~~  
2 ~~upon evidence obtained through an automated traffic control~~  
3 ~~system established under this Act, the State must prove that~~  
4 ~~one or more workers were present in the construction or~~  
5 ~~maintenance zone when the violation occurred.~~

6 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;  
7 94-814, eff. 1-1-07.)

8 (625 ILCS 7/15)

9 Sec. 15. Definitions. As used in this Act:

10 ~~(a)~~ "Automated traffic control system" means any system  
11 with image or video recording capabilities in combination with  
12 vehicle detection sensors that accurately measures a vehicle's  
13 speed while recording a clear image or video of the vehicle and  
14 the vehicle's front and rear registration plates while the  
15 driver is violating Section 20 of this Act. Each system shall  
16 also attempt to capture the image of the face of the driver to  
17 assist the owners of the vehicle in identifying the person  
18 driving the vehicle at the time of the violation. The image of  
19 the face of the driver is not necessary for the issuance of a  
20 Notice of Violation under Section 30 of this Act. a  
21 ~~photographic device, radar device, laser device, or other~~  
22 ~~electrical or mechanical device or devices designed to record~~  
23 ~~the speed of a vehicle and obtain a clear photograph or other~~  
24 ~~recorded image of the vehicle, the vehicle operator, and the~~  
25 ~~vehicle's registration plate while the driver is violating~~

1 ~~Section 11-605.1 of the Illinois Vehicle Code. The photograph~~  
2 ~~or other recorded image must also display the time, date, and~~  
3 ~~location of the violation. A law enforcement officer is not~~  
4 ~~required to be present or to witness the violation.~~

5 ~~(b)~~ "Construction or maintenance zone" means an area in  
6 which the Department of Transportation, ~~or the~~ Illinois State  
7 Toll Highway Authority, or local agency with jurisdiction is  
8 preparing for construction or maintenance, conducting  
9 construction or maintenance, or removing construction or  
10 maintenance equipment and materials, and has determined that  
11 the preexisting established speed limit through a highway  
12 construction or maintenance project is greater than is  
13 reasonable or safe with respect to the conditions expected to  
14 exist in the construction or maintenance zone and has posted a  
15 lower speed limit with a highway construction or maintenance  
16 zone special speed limit sign in accordance with Section  
17 11-605.1 of the Illinois Vehicle Code.

18 "Local agency with jurisdiction" means the municipality or  
19 county establishing a construction or maintenance zone under  
20 this Act. Local agency enforcement is limited to all or any  
21 portion of a State highway or road where speed limits exceed 45  
22 miles per hour before establishment of a construction or  
23 maintenance zone. Local agency enforcement for a county is  
24 limited to an unincorporated area of the county.

25 ~~(c)~~ "Owner" means the person or entity to whom the vehicle  
26 is registered.

1 (Source: P.A. 93-947, eff. 8-19-04.)

2 (625 ILCS 7/20)

3 Sec. 20. Civil violation; penalties; vehicle registration  
4 non-renewal Penalties.

5 (a) A motor vehicle may not operate in a construction or  
6 maintenance zone at a speed in excess of the posted speed  
7 limit. The registered owner of a motor vehicle operated in  
8 violation of this Section when the violation is recorded by an  
9 automated traffic control system shall be subject to the  
10 following penalties:

11 (1) if the recorded speed is less than 10 miles per  
12 hour over the posted speed limit, a civil penalty may not  
13 be imposed under this Act; however, the Department of State  
14 Police may send a speed violation warning notice to the  
15 registered owner of the vehicle, in the same manner that a  
16 Notice of Violation is sent under this Act;

17 (2) if the recorded speed is at least 10 miles per hour  
18 but less than 20 miles per hour over the posted speed  
19 limit, a civil penalty of \$50 is imposed, and if the  
20 penalty is not paid in a timely manner an additional  
21 penalty of \$50 is imposed; or

22 (3) if the recorded speed is 20 miles per hour or more  
23 over the posted speed limit, a civil penalty of \$100 is  
24 imposed, and if the penalty is not paid in a timely manner  
25 an additional penalty of \$100 is imposed.

1       (b) A violation of this Section is a civil penalty, and not  
2 a violation of a traffic regulation governing the movement of  
3 vehicles and may not be recorded on the driving record of the  
4 owner of the vehicle.

5       (c) In addition to the penalties imposed under this  
6 Section, the Secretary of State shall not renew the vehicle  
7 registration of the registered owner of a vehicle operated in  
8 violation of this Section, if the owner: (1) has failed to pay  
9 any penalty due and owing as a result of 3 violations of this  
10 Section; or (2) is more than 30 calendar days in default of a  
11 payment plan. The Secretary of State shall adopt rules to  
12 implement this Section.

13       (d) Forty percent of the penalties collected under an  
14 automated traffic control system established by a local agency  
15 that enters into an intergovernmental agreement with the  
16 Department of State Police shall be deposited as follows: 20%  
17 into the pension fund or retirement system that local law  
18 enforcement officers contribute to, within 30 days of receipt  
19 of the money, as determined by the county sheriff or the chief  
20 of police of the local agency with jurisdiction, and 20% into  
21 the State Police Operations Assistance Fund.

22       (d-5) Forty percent of the penalties collected under an  
23 automated traffic control system established by the Department  
24 of State Police, the Department of Transportation, or the  
25 Illinois State Toll Highway Authority, shall be deposited into  
26 the State Police Merit Board Public Safety Fund for

1 distribution under Section 7.2 of the State Police Act.

2 (e) Ten percent of the penalties collected under an  
3 automated traffic control system established by the Department  
4 of State Police, the Department of Transportation, or the  
5 Illinois State Toll Highway Authority, shall be deposited into  
6 the State Transportation Safety Highway Hire-back Fund. All  
7 moneys deposited into the State Transportation Safety Highway  
8 Hire-back Fund from funds collected under an automated traffic  
9 control system established by the Illinois State Toll Highway  
10 Authority shall be used exclusively for policing expenditures  
11 on State tollways. Ten percent of the penalties collected under  
12 an automated traffic control system established by a local  
13 agency with jurisdiction shall be deposited as follows: 5% into  
14 the Transportation Safety Highway Hire-back Fund of the local  
15 agency with jurisdiction, if a fund exists, and 5% into the  
16 State Transportation Safety Highway Hire-back Fund. If the  
17 local agency with jurisdiction does not have a Transportation  
18 Safety Highway Hire-back Fund, then 10% of the penalties  
19 collected under an automated traffic control system  
20 established by a local agency with jurisdiction shall be  
21 deposited into the State Transportation Safety Highway  
22 Hire-back Fund. The funds deposited into the State  
23 Transportation Safety Highway Hire-back Fund or the  
24 Transportation Safety Highway Hire-back Fund of the local  
25 agency with jurisdiction under this subsection (e) shall be  
26 used to hire off-duty Department of State Police or local

1 agency officers to monitor construction or maintenance zones  
2 and provide for additional policing. The Department of State  
3 Police may recover, and deposit into the State Police  
4 Operations Assistance Fund, enforcement and administrative  
5 costs from enforcement penalties collected under this Act, but  
6 the amount collected shall not exceed 20% of the total  
7 penalties collected under this Act. A local agency with  
8 jurisdiction may establish a Safety Highway Hire-back Fund to  
9 receive revenues under this Section. The Department of State  
10 Police shall adopt rules to implement this subsection (e).

11 (e-5) Twenty percent of the penalties collected under an  
12 automated traffic control system shall be deposited into the  
13 Road Fund and used exclusively for driver education or work  
14 zone safety awareness; or into the State Transportation  
15 Hire-back Fund and used exclusively for roads and highways  
16 under the jurisdiction of the Department of Transportation.

17 (f) The Department of State Police and the Department of  
18 Transportation shall jointly conduct an annual statistical  
19 analysis to assess the safety impact of the system. The  
20 statistical analysis shall be based upon the best available  
21 crash, traffic, and other data, and shall cover a period of  
22 time before and after the installation of the system sufficient  
23 to provide a statistically valid comparison of the safety  
24 impact. The statistical analysis required by this subsection  
25 (f) shall be made available to the public and shall be  
26 published on the websites of the Department of State Police and

1 the Department of Transportation.

2 (g) The Secretary of State and Department of State Police  
3 shall adopt rules for collection of penalties, conduct of  
4 administrative proceedings, and other rules necessary to  
5 implement this Act. The rules adopted must allow for a 60-day  
6 period to pay a penalty or challenge each attested Notice of  
7 Violation.

8 ~~The penalties for and consequences of a traffic violation~~  
9 ~~recorded by an automated traffic control system are the same as~~  
10 ~~for any similar violation of the Illinois Vehicle Code.~~

11 (Source: P.A. 93-947, eff. 8-19-04.)

12 (625 ILCS 7/25)

13 Sec. 25. Limitations on the use of automated traffic  
14 control enforcement systems.

15 (a) The Department of State Police or local agency with  
16 jurisdiction must conduct a public information campaign to  
17 inform drivers about the use of automated traffic control  
18 systems in highway construction or maintenance zones,  
19 including but not limited to speed restrictions under Sections  
20 11-601.5 and 11-605.1 of the Illinois Vehicle Code and  
21 penalties for injuring or killing a worker in a highway  
22 construction or maintenance zone under Section 11-908 of the  
23 Illinois Vehicle Code before establishing any of those systems.  
24 The Department of State Police shall adopt rules for  
25 implementing this subsection (a).

1 (b) Signs indicating that speeds are enforced by automated  
2 traffic control systems must be clearly and conspicuously  
3 posted not more than 500 feet before a construction or  
4 maintenance zone and not more than 500 feet before an automated  
5 traffic control system ~~in the areas where the systems are in~~  
6 ~~use.~~

7 (c) Operation of automated traffic control systems is  
8 limited to established areas ~~where~~ road construction or  
9 maintenance zones ~~is occurring.~~

10 (d) Photographs or other recorded images obtained in this  
11 manner may only be used as evidence in relation to a violation  
12 of this Act or Section 11-605.1 of the Illinois Vehicle Code  
13 ~~for which the photograph is taken.~~ For the purposes of this  
14 Act, the ~~The~~ photographs or other recorded images are available  
15 only to the owner of the vehicle, the driver of the vehicle,  
16 the lessee of the vehicle, the ~~offender and the offender's~~  
17 attorney of the owner or driver or lessee, hearing officer,  
18 relevant Secretary of State personnel ~~the judiciary, the local~~  
19 ~~State's Attorney,~~ and law enforcement officials.

20 (e) (Blank). ~~If the driver of the vehicle cannot be~~  
21 ~~identified through the photograph, the owner is not liable for~~  
22 ~~the fine, and the citation may not be counted against the~~  
23 ~~driving record of the owner. If the driver can be identified,~~  
24 ~~the driver is liable for the fine, and the violation is counted~~  
25 ~~against his or her driving record.~~

26 (Source: P.A. 93-947, eff. 8-19-04.)

1 (625 ILCS 7/30)

2 Sec. 30. Requirements for issuance of a Notice of Violation  
3 citation.

4 (a) The vehicle, ~~vehicle operator,~~ vehicle registration  
5 plate, speed, date, time, and location must be clearly visible  
6 on the photograph or other recorded image of the alleged  
7 violation. The Department of State Police must review and  
8 approve the photograph or other recorded image for compliance  
9 with this subsection. The Department of State Police shall  
10 adopt rules for: (1) coordination of enforcement efforts with  
11 State agencies, local agencies with jurisdiction, and the  
12 Secretary of State; (2) notices to motorists; and (3) review  
13 and approval of photographs or other recorded images from  
14 automated traffic control systems established by the  
15 Department or a local agency with jurisdiction. The rules may  
16 provide that the review and approval of the photograph or other  
17 recorded image under this subsection may be conducted by a  
18 Department employee other than a sworn law enforcement officer.

19 (b) A Notice of Violation ~~Uniform Traffic Citation~~ must be  
20 mailed by first class United States mail with postage prepaid  
21 ~~or otherwise delivered~~ to the registered owner of the vehicle ~~.~~  
22 ~~If mailed, the citation must be sent via certified mail within~~  
23 14 business days of the alleged violation, ~~return receipt~~  
24 ~~requested.~~

25 (c) The Notice of Violation ~~Uniform Traffic Citation~~ must

1 include:

2 (1) the name and address of the vehicle owner;

3 (2) the registration number of the vehicle;

4 (3) the violation ~~offense~~ charged;

5 (4) the time, date, and location of the violation;

6 (5) (blank) ~~the first available court date;~~ and

7 (6) notice that the basis of the violation ~~citation~~ is  
8 the photograph or recorded image from the automated traffic  
9 control system; ~~-~~

10 (7) a copy of the recorded image or images and a  
11 statement that the violation occurred in a construction or  
12 maintenance zone, as defined by Section 15 of this Act;

13 (8) the amount of the civil penalty imposed and the  
14 date by which the civil penalty should be paid;

15 (9) a statement that recorded images are evidence of a  
16 violation of a speed restriction;

17 (10) a warning that failure to pay the civil penalty in  
18 a timely manner is an admission of liability and may result  
19 in the non-renewal of the vehicle registration of the owner  
20 of the vehicle;

21 (11) a statement that the person may elect to proceed  
22 by:

23 (A) paying the fine;

24 (B) challenging the charge by mail or by  
25 administrative hearing; or

26 (C) challenging the charge by any administrative

1 rule adopted by the Secretary of State under this Act;

2 and

3 (12) a website address where the owner may view the  
4 recorded images of the violation.

5 (d) The Notice of Violation ~~Uniform Traffic Citation~~ issued  
6 to the owner ~~violation~~ must be a single sheet. ~~accompanied by a~~  
7 ~~written document that lists the violator's rights and~~  
8 ~~obligations and explains how the violator can elect to proceed~~  
9 ~~by either paying the fine or challenging the issuance of the~~  
10 The written document must also include on the backside of the  
11 sheet information on penalties for injuring or killing a worker  
12 in a highway construction or maintenance zone ~~Uniform Traffic~~  
13 ~~Citation.~~

14 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;  
15 94-814, eff. 1-1-07.)

16 (625 ILCS 7/35)

17 Sec. 35. Response to issuance of a Notice of Violation  
18 ~~citation.~~

19 (a) If a ~~A~~ person issued a Notice of Violation ~~citation~~  
20 under this Act (1) has failed to pay any penalty due and owing  
21 as a result of 3 violations under the Automated Traffic Control  
22 Systems in Highway Construction or Maintenance Zones Act; or  
23 (2) is more than 30 calendar days in default of a payment plan,  
24 the Secretary of State shall not renew the registration of the  
25 owner of the vehicle. The Secretary of State shall adopt rules

1 ~~to implement this Section may respond to the citation in person~~  
2 ~~or by any method allowed by law.~~

3 (b) (Blank). ~~If the driver of the vehicle cannot be~~  
4 ~~identified through the photograph or other recorded image, the~~  
5 ~~owner is not liable for the fine.~~

6 (c) The Secretary of State shall establish an  
7 administrative process to carry out this Section and shall  
8 adopt rules to allow for coordination with the Department of  
9 State Police, other State agencies, and local agencies with  
10 jurisdiction to enforce this Section. The rules adopted shall  
11 not allow for less than 60 days for a vehicle owner to either  
12 pay the violation or challenge the violation by mail,  
13 administrative hearing, or any other procedure established by  
14 rule. The rules shall provide a process by which a vehicle  
15 owner may transfer liability for a violation under this Act to  
16 the driver of the owner's vehicle and a process by which a  
17 lessor may transfer liability for a violation under this Act to  
18 the lessee of the lessor's vehicle. The Secretary of State may  
19 recover the costs of conducting administrative hearings from  
20 penalties collected under this Act, which may not exceed 10% of  
21 the total penalties collected under this Act.

22 (d) In an administrative proceeding challenging the  
23 violation, the hearing officer may consider in defense of a  
24 violation:

25 (1) that the motor vehicle or registration plate of the  
26 motor vehicle were stolen before the violation occurred and

1       were not under the control of or in the possession of the  
2       owner at the time of the violation;

3       (2) that the driver or owner of the motor vehicle  
4       received a Uniform Traffic Citation from a law enforcement  
5       officer for a speed violation occurring within one-eighth  
6       of a mile and within 15 minutes of the violation recorded  
7       by the automated traffic control system;

8       (3) that the owner or lessor of the vehicle has  
9       transferred liability to the driver;

10       (4) that clear and conspicuous signs were not displayed  
11       at the construction or maintenance zone;

12       (5) that the Department of Transportation, Illinois  
13       State Toll Highway Authority, or local agency with  
14       jurisdiction did not properly establish a construction or  
15       maintenance zone as defined under Section 15 of this Act;

16       or

17       (6) any other evidence or issues allowed by  
18       administrative rule adopted under this Act.

19       (Source: P.A. 93-947, eff. 8-19-04.)

20       (625 ILCS 7/40)

21       Sec. 40. Admissibility of recorded images. ~~Any Except as~~  
22       ~~provided in Section 45, any~~ photograph or other recorded image  
23       evidencing a violation of this Act or Section 11-605.1 of the  
24       Illinois Vehicle Code is admissible in any proceeding resulting  
25       from the issuance of the Notice of Violation under this Act or

1 Uniform Traffic Citation under Section 11-605.1 of the Illinois  
2 Vehicle Code. For the purposes of this Act, photographs  
3 ~~Photographs~~ or other recorded images made by an automated  
4 ~~automatic~~ traffic control system are confidential and shall be  
5 made available only to those persons provided for under  
6 subsection (d) of Section 25 of this Act ~~the defendant and to~~  
7 ~~governmental or law enforcement agencies within the~~  
8 ~~jurisdiction~~ for the purposes of adjudicating a ~~driving~~  
9 violation.

10 (Source: P.A. 93-947, eff. 8-19-04.)

11 (625 ILCS 7/45 rep.)

12 Section 25. The Automated Traffic Control Systems in  
13 Highway Construction or Maintenance Zones Act is amended by  
14 repealing Section 45.

15 Section 99. Effective date. This Act takes effect one year  
16 after becoming law."